

SUPREME COURT OF CALIFORNIA

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**NOTICE OF  
FORTHCOMING FILING**

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**The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)) and copies will be made available at the Supreme Court Clerk's Office.**

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

**PEOPLE v. McNEAL (TIMMIE LANCE)**

S157565 (E041226; San Bernardino County Superior Court – TRE038083)  
Argued in San Francisco 5-05-09

This case presents the following issues: (1) Should evidence of the range and variability between individuals of the “partition ratio,” which defines the percentage of alcohol in a breath sample that corresponds to a given level of alcohol in the blood, be admissible in a prosecution for driving under the influence in violation of Vehicle Code section 23152, subdivision (a)? (2) Should evidence of a defendant's personal partition ratio be admissible in such a case?

**Opinion(s) in the above case(s) will be filed on:**

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Thursday, July 9, 2009 at 10:00 a.m.